

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13963, of Richard S. and Marcia H. Rothblum, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against constructing a one-family dwelling on an alley lot where the alley lot abuts an alley less than thirty feet in width (Sub-section 7606.2) and from the lot width requirements (Sub-section 3301.1) to construct a one-family dwelling in an R-1-B District at the premises 3810 Macomb Street, N.W., (Square 1817, Lot 45).

HEARING DATES: May 25 and June 16, 1983
DECISION DATE: July 7, 1983

DISPOSITION: The Board CONDITIONALLY GRANTED the application by a vote of 5-0 (Walter B. Lewis, Carrie L. Thornhill, William F. McIntosh, Douglas J. Patton and Charles R. Norris to grant)

FINAL DATE OF ORDER: August 29, 1983

ORDER

By Order dated August 29, 1983, the Board GRANTED the subject application, subject to the condition that the dwelling be located on the lot as shown on the plat marked as Exhibit No. 2 of the record. By letter dated November 17, 1983, the applicant requested the Board's permission to modify that condition in order to eliminate discrepancies between Exhibit No. 2 and the conceptual architectural plans submitted by the applicant when filing the original application which are marked as Exhibit No. 7 of the record. The applicants further requested permission from the Board to modify the plans to allow for the addition of front, rear and side porches and to adjust the outline of the foundation to allow the retention of an existing oak tree.

The requested modifications would result in the following

- a. The entrance to the subject dwelling would face north, rather than south as shown on Exhibit No. 2.
- b. The length of the dwelling would be increased by five feet, eight inches to conform with the conceptual drawings marked as Exhibit No. 7.

- c. The foundation plan would be modified to avoid damage to an existing mature oak tree.
- d. Front, rear and side porches would be added to the dwelling.

The proposed modifications would not result in a need for any additional variance relief.

A resident of 3236 38th Street, N.W. submitted a letter in opposition to the proposed modifications on December 1, 1983. That opposition was based on the following:

- a. The Order of the Board in the subject application was based on an erroneous finding of fact, cited by the opposition as Finding of Fact No. 18, which indicated that the Zoning Review Branch had reviewed the plans submitted to the Board when the application was filed.
- b. The proposed modification would result in the addition of nearly six feet to the length of the proposed dwelling which would cause further obstruction of views and infringe on the privacy of neighboring residents.

The Board notes that its Order dated August 29, 1983, in the subject application contains no reference to the approval of any plans by the Zoning Review Branch. The Board therefore concludes that it has committed no error in its decision.

Pursuant to Section 506 of its Rules, the Board may approve timely requests to modify plans previously approved by the Board. Approval of requests for modification of plans is limited to minor modification that do not change the material facts the Board relied upon in approving the application, as set forth in Section 506.6 of the Rules.

Upon review of the requested modification of plans, the opposition's response thereto, and its final Order, the Board finds that the proposed modifications of plans would result in a substantial alteration of the footprint of the building shown on Exhibit No. 2 and on which the Board's approval was conditioned. The Board therefore concludes that the requested modification cannot be approved and its Order dated August 29, 1983, shall remain in effect.

The Board notes that the applicants may proceed with construction as conditioned in the Board's Order dated August 29, 1983, or they can file a new application with the Board for construction as proposed in the modified plans.

Accordingly, it is hereby ORDERED that the request for modification of plans is DENIED.

Decision Date: December 7, 1983

VOTE: 3-1 (Walter B. Lewis, William F. McIntosh and Douglas J. Patton to deny; Carrie L. Thornhill opposed to the motion; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

JAN 18 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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